

Baltimore City

- a. Order Appointing Best Interest Counsel for Child(ren)**

JANE DOE

Plaintiff

v.

JOHN DOE

Defendant

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY, PART 05

CASE NO.: 24-D-00-000000

* * * * *

ORDER APPOINTING BEST INTEREST ATTORNEY FOR THE CHILD(REN)

This matter having come before the Court on August 3, 2010 for a final custody hearing, both parties having appeared for the hearing self-represented, evidence having been considered and testimony having been taken, it is this 3rd day of August 2010, by the Circuit Court for Baltimore City, Part 05:

ORDERED that _____, Esquire, telephone number, 410-555-0000, is hereby appointed as a Child's Privilege Attorney pursuant to the *Maryland Guidelines of Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access*. A Child's Privilege Attorney is a lawyer appointed in accordance with *Nagle v. Hooks*, 296 Md. 123 (1983), to decide whether to assert or waive, on behalf of a minor child in a custody action, any statutory privilege. The Child's Privilege Attorney is appointed on behalf of _____, minor child, date of birth January 1, 2010; and it is further

ORDERED that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this court; and it is further

ORDERED that the attorney appointed herein shall have reasonable access to the child and to all otherwise privileged or confidential information, including but not limited to any protected health information, about the child, without the necessity of any further Order of Court. The attorney's access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information; and it is further

ORDERED that the attorney appointed herein shall provide a written document/line asserting or waiving the privilege, to be filed on or before January 12, 2010; and it is further

ORDERED that the attorney appointed herein shall be compensated as follows:

X Payment into attorney's trust account. Plaintiff is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of _____ Dollars (\$ _____.00), within 10 days of the date of this Order, as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and any unrepresented party.

X Payment into attorney's trust account. Defendant is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of _____ Dollars (\$ _____.00), within 10 days of the date of this Order, as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to

draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel and any unrepresented party.

- X Final allocation of fees shall be determined by the Court at a hearing on the merits of this case or upon the Petition of the attorney appointed herein.
- X The attorney appointed herein shall submit a bill for services to the Court at the conclusion of the case, or upon earlier motion.
- X The appointment shall terminate following the final disposition of the merits of the case in the trial court.
- X Absent further Order of this Court, the attorney appointed shall not be required to participate in any appeal in this matter.
- X Although the minor child is not a party to this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek order as appropriate in the fulfillment of the duties appointed herein; and it is further

ORDERED that within ten (10) days of the date of this Order, counsel for Plaintiff/Defendant, _____, Esq., shall provide to the attorney appointed herein copies of all pleadings and papers filed in the above action and any correspondence between the parties or counsel for the parties and shall otherwise provide notice and service to the minor child's attorney pursuant to Maryland Rules of Procedure, Title I; and it is further

ORDERED that within ten (10) days of the date of this Order, each party is to provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated the minor child and anyone else with whom the minor child may have a privilege pursuant to the Statute; and it is further

ORDERED that the attorney appointed herein shall not have any ex parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the minor child without the prior permission of the attorney appointed herein.

JUDGE

THIS IS A PROPER ORDER TO
BE SIGNED IN THIS CASE.

Domestic Relations Master

NOTICE TO CLERK: Kindly forward copies of this Order to:

1. _____

Counsel for Plaintiff

2. _____

Counsel for Defendant

3.

Attorney for the Minor Child

